

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BOBBY GRUBBS,

Plaintiff,

vs.

**9:16-CV-1476
(TJM/DJS)**

STEVEN GRIMALDI, et al.,

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, to Magistrate Judge Daniel J. Stewart for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that the moving Defendants, prison medical providers and officials, violated his civil rights while he was incarcerated in New York State prisons.

Magistrate Judge Stewart's Report-Recommendation, dkt. # 46, issued on January 23, 2019, recommends that the motion for summary judgment of Defendants Richard Adams, Vonda Johnson and Jon Miller be granted. Magistrate Judge Stewart finds that Plaintiff failed to exhaust his administrative remedies with respect to Defendant Miller, and that the medical care provided by Defendants Adams and Johnson did not violate Plaintiff's Eighth Amendment rights through deliberate indifference to a serious medical

need.

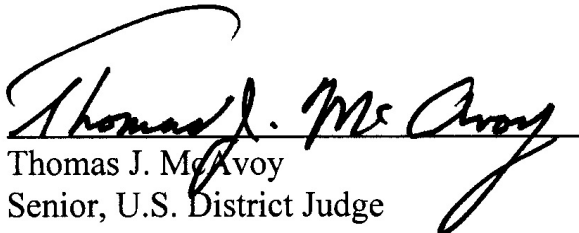
No party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation.

Accordingly,

The Report-Recommendation of Magistrate Judge Stewart, dkt. # 46, is hereby **ACCEPTED** and **ADOPTED** and the motion for summary judgment of Defendants Adams, Johnson, and Miller, dkt. # 37, is hereby **GRANTED**.

IT IS SO ORDERED.

Dated: February 20, 2019


Thomas J. McAvoy
Senior, U.S. District Judge